

## Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

HA-05 TRSE-00 OMB-01 IO-13 /085 W

-----040312 081201Z /72

R 080646Z MAY 78

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 4184

INFO CINCPAC

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EO 11652: NA

TAGS: SHUM, TH

SUBJ: THAMMASAT 18 TRIAL

1. BANGKOK POST MAY 1 QUOTES JUDGE ADVOCATE DEPARTMENT DIRECTOR GENERAL SAMING TAILANGKHA AS STATING THAT THE TRIAL OF THE THAMMASAT 18 DEFENDANTS IS PROCEEDING TOO SLOWLY. LT GEN SAMING, HEAD OF THE DEPARTMENT WHICH IS RESPONSIBLE FOR CONDUCTING THE TRIAL, BLAMED THE SLOW PACE ON THE LONG LIST OF WITNESSES SCHEDULED TO BE CALLED IN THE CASE, AND THE LENGTHY CROSS-EXAMINATIONS EACH WITNESS IS SUBJECTED TO BY DEFENSE ATTORNEYS.

2. LT GEN SAMING EXPRESSED THE HOPE THAT EACH WITNESS MIGHT COMPLETE HIS TESTIMONY IN ONLY ONE COURT SESSION, RATHER THAN TESTIFYING OVER THE COURSE OF FOUR TO FIVE SESSIONS, AS THE FIRST FOUR WITNESSES HAVE DONE. HE ALSO NOTED THAT THE MILITARY COURT MIGHT EXERCISE ITS JURISDICTION BY LIMITING THE NUMBER OF WITNESSES IN THE CASE (AT PRESENT AT LEAST 80 ARE SCHEDULED TO TESTIFY). HE FURTHER STATED THAT THE PROSECUTION WOULD NOT OBJECT TO HOLDING TRIAL SESSIONS MORE THAN ONCE A WEEK.

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3. THE THAI-LANGUAGE DAILY DAO SIAM'S REPORT OF THE CONFERENCE INCLUDED GENERAL SAMING'S REMARK THAT HE UNDERSTOOD GEN KRIANGSAK WOULD RECOMMEND AT THE CONCLUSION OF THE TRIAL REDUCTION OF SENTENCES OF CONVICTED DEFENDANTS BY FIFTY PERCENT.

4. COMMENT: THE JUDGE ADVOCATE DIRECTOR GENERAL IS

OBVIOUSLY RESPONDING TO THE CALL BY DEFENSE ATTORNEYS AND SOME ELEMENTS OF THE THAI PRESS FOR A FASTER TRIAL. PART OF THE RESPONSE HAS BEEN TO CHANGE PROSECUTORS. IN MID-APRIL, THE MAJOR WHO HAD SERVED AS THE PROSECUTOR SINCE THE OPENING OF THE TRIAL WAS REPLACED BY A COLONEL.

5. THE HEAD OF THE GROUP OF 44 LAWYERS REPRESENTING THE DEFENDANTS, THONGBAI THONGBAO, HAS COMPLAINED REPEATEDLY AT RECENT SESSIONS OF THE TRIAL OVER THE SLOW PACE OF PROCEEDINGS, THONGBAI INDICATED HE BELIEVES THE PROSECUTION HAS PERSISTED IN CALLING AND QUESTIONING EXHAUSTIVELY WITNESSES WHOSE TESTIMONY IS NOT GERMANE TO THE CASE. THONGBAI'S VIEW HAS SUPPORT IN SOME QUARTERS OF THE THAI PRESS.

6. IN A RECENT DISCUSSION OF THE CASE WITH AN EMBASSY OFFICER, THONGBAI NOTED THAT IF THE PROSECUTION PROCEEDED AT THE PRESENT PACE OF THREE TO FOUR SESSIONS PER WITNESS, WITH 80 WITNESSES SCHEDULED, WITH A SCHEDULE OF ONE SESSION PER WEEK, THE TRIAL WOULD DRAG ON FOR FIVE YEARS. THONGBAI EXPLAINED THAT THE DEFENSE WAS ATTEMPTING TO SPEED THE PROCESS ALONG BY LIMITING OR EVEN FOREGOING CROSS-EXAMINATION OF WITNESSES WHOSE TESTIMONY WAS NOT DIRECTLY RELATED TO THE CHARGES.

7. LT GEN SAMING'S COMMENT THAT THE PROSECUTION WOULD LIMITED OFFICIAL USE

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NOT OBJECT TO HOLDING SESSIONS MORE FREQUENTLY THAN ONCE A WEEK WAS AN ATTEMPT TO PLACE SOME BLAME FOR THE SLOW PACE OF THE TRIAL ON THE DEFENSE LAWYERS, WHO HAVE RESISTED PRESSURE FOR HOLDING SESSIONS TWO DAYS EACH WEEK. THONGBAI EXPLAINED TO EMBASSY OFFICER THAT THE DEFENSE LAWYERS SERVE WITHOUT PAY, ACCEPTING REIMBURSEMENT ONLY FOR EXPENSES, SUCH AS TRAVEL AND THE COST OF REPRODUCING OF DOCUMENTS INCURRED IN THE ACTUAL DEFENSE OF THE 18. UNDER THIS ARRANGEMENT, HOWEVER, LAWYERS COULD NOT SPARE MORE THAN ONE DAY EACH WEEK TO HANDLE THE CASE. THONGBAI HAS EXPRESSED A WILLINGNESS TO SCHEDULE SESSIONS ON SATURDAY AND SUNDAY TO MOVE THE TRIAL ALONG.

8. SAMING'S COMMENT CONCERNING PRIME MINISTER KRIANGSAK'S REPORTED PLANS FOR AMNESTY IS SIGNIFICANT BECAUSE MOST OBSERVERS ASSUMED THAT THE PM PLANNED TO RECOMMEND A PARDON WHICH WOULD FREE THE DEFENDANTS COMPLETELY, RATHER THAN A REDUCTION OF SENTENCE. WHITEHOUSE

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## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** REPORTS, TRIALS, STUDENT DEMONSTRATIONS, COURT PROCEEDINGS  
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**Copy:** SINGLE  
**Draft Date:** 08 may 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014